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International Business Machines Corporation*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

THE SCO GROUP, INC.

Plaintiff/Counterclaim-
Defendant,

v.

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Defendant/Counterclaim-
Plaintiff.

**STIPULATION REGARDING DISMISSAL
OF COUNTERCLAIMS**

Civil No. 2:03CV0294 DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke C. Wells

The parties, through their counsel of record, hereby stipulate and jointly move the Court for an Order dismissing with prejudice IBM's Eleventh Counterclaim (Patent Infringement), Twelfth Counterclaim (Patent Infringement), and Thirteenth Counterclaim (Patent Infringement) from IBM's Second Amended Counterclaims. The parties have agreed to dismiss the claims, without any admission as to the merits of the claims.

The parties submit herewith a proposed Order in conformity with the foregoing.

DATED this 6th day of October, 2005.

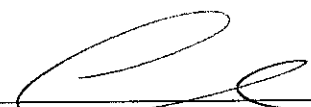
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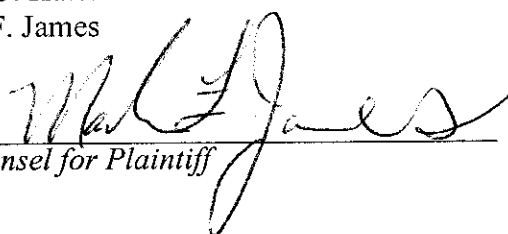

Counsel for Defendant International
Business Machines Corporation

DATED this 6 day of October, 2005.

HATCH, JAMES & DODGE, P.C.

Brent O. Hatch
Mark F. James

By


Counsel for Plaintiff


CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of October, 2005, a true and correct copy of the foregoing was sent by U.S. Mail, postage prepaid, to the following:

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